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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. II OF 1908.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA ON THE 11TH JULY 1908.)

A Regulation to amend the Mysore Stamp Regulation, II of 1900.

Whereas it is expedient to amend the Mysore Stamp Regulation, 1900; His Highness the Maharaja is pleased to enact as follows:—

1. In Section 2 of the Mysore Stamp Regulation, II of 1900; (hereinafter referred to as the "said Regulation")— Amendment of Sec. 2, Regulation II, 1900.

(*a*) after the definition of "lease" in clause (16), the following definition shall be inserted, namely:—

"(16A). "Marketable security" means a security of such a description as to be capable of being sold in any stock market in British India or in the United Kingdom or in Mysore." Marketable security.

(*b*) in clause (19), sub-clause (*c*) and the word 'and' prefixed thereto are hereby repealed; and

(*c*) to the definition of "settlement" in clause (24), the following words shall be added, namely:—

"and, where any such disposition has not been made in writing, any instrument recording, whether by way of declaration of trust or otherwise, the terms of any such disposition."

2. In section 11, clause (*a*), section 32, proviso, clause (*c*), section 35, proviso clause (*a*), section 40, section 41, section 69 and section 74 of the said Regulation, after the words "one anna" wherever they occur, the words "or half-an-anna" shall be inserted.

Amendment of Secs. 11, 32, 35, 40, 41, 69 and 74, Regulation II, 1900.

3. After section 23 of the said Regulation, the following section shall be added, namely :—

Addition of new Sec. 23A after Sec. 23, Regulation II, 1900.

"23A (1). Where an instrument (not being a promissory note or bill of exchange),

"Certain instruments connected with mortgages of marketable securities to be chargeable as agreements."

(*a*) is given upon the occasion of the deposit of any marketable security by way of security for money advanced or to be advanced by way of loan, or for an existing or future debt ; or

(*b*) makes redeemable or qualifies a duly stamped transfer, intended as a security, of any marketable security,

it shall be chargeable with duty as if it were an agreement or memorandum of an agreement chargeable with duty under Article No. 5 (*b*) of Schedule I.

(2) A release or discharge of any such instrument shall be chargeable with the like duty."

4. In section 26 of the said Regulation, for the first proviso, the following proviso shall be substituted, namely :—

Amendment of Sec. 26, Regulation II, 1900.

"Provided that, in the case of the lease of a mine in which royalty or a share of the produce is received as the rent or part of the rent, it shall be sufficient to have estimated such royalty or the value of such share, for the purpose of stamp duty—

(*a*) when the lease has been granted by or on behalf of the Government, at such amount or value as the Deputy Commissioner may, having regard to all the circumstances of the case, have estimated as likely to be payable by way of royalty or share to the Government under the lease, or

(*b*) when the lease has been granted by any other person, at twenty thousand rupees a year ;

and the whole amount of such royalty or share, whatever it may be, shall be claimable under such lease."

5. (*a*) In section 29, clause (*a*), of the said Regulation, for the words and figure "No. 6 (Agreement to Mortgage)" the words and figure "No. 6 (Agreement relating to Deposit of Title-deeds, Pawn or Pledge)" shall be substituted.

Amendment of Sec. 29, clause (*a*), Regulation II, 1900.

(*b*) For section 29, clause (*b*), the following shall be substituted, namely :—

Substitution of new clause for clause (*b*) of Sec. 29, Regulation II, 1900.

"(*b*) in the case of a policy of insurance other than fire-insurance—by the person effecting the insurance ;

(*bb*) in the case of a policy of fire-insurance—by the person issuing the policy."

6. To section 30 of the said Regulation, the following paragraph shall be added, namely :—

Addition to section 30, Regulation II, 1900.

"Any person receiving or taking credit for any premium or consideration for any renewal of any contract of fire-insurance shall, within one month after receiving or taking credit for such premium or consideration, give a duly stamped receipt for the same."

7. In section 40, sub-section (1), clause (*b*), of the said Regulation, before the words "ten times the amount," the words "an amount not exceeding" shall be inserted.

Amendment of section 40 (1) (*b*), Regulation II, 1900.

8. In section 51 of the said Regulation, after the word "instruments," the words "by any banker or," and after the word "said," the word "banker" shall be inserted.

Amendment of section 51, Regulation II, 1900.

9. In Section 56, sub-section (1), of the said Regulation, after the word and figure "Chapter V," the following shall be inserted, namely:—

Amendment of section 56 (1), Regulation II, 1900.

"and under clause (*a*) of the first proviso to section 26."

10. In Schedule I of the said Regulation, the following amendments shall be made, namely:—

Amendments of Schedule I, Regulation II, 1900.

(1) For Article No. 6 the following article shall be substituted, namely:—

"6. AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE, that is to say, any instrument evidencing an agreement relating to—	
(1) the deposit of title-deeds or instruments constituting or being evidence of the title to any property whatever (other than a marketable security); or	
(2) the pawn or pledge of movable property,	
where such deposit, pawn or pledge has been made by way of security for the repayment of money advanced or to be advanced by way of loan or an existing or a future debt—	
(*a*) if such loan or debt is repayable on demand or more than three months from the date of the instrument evidencing the agreement;	The same duty as a Bill of Exchange [No. 12 (*b*)] for the amount secured.
(*b*) if such loan or debt is repayable not more than three months from the date of such instrument.	Half the duty payable on a Bill of Exchange [No. 12 (*b*)] for the amount secured.
Exemption.	
Instrument of pawn or pledge of goods, if unattested."	

(2) In the entry immediately following Article No. 27, for the words and figure "*See* AGREEMENT by way of EQUITABLE MORTGAGE (No. 6)" the words and figure "*See* AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)" shall be substituted.

(3) The entry "EQUITABLE MORTGAGE" following Article No. 28 shall be omitted.

(4) In Article No. 38—

(*a*) for the words and figure "An AGREEMENT TO MORTGAGE (No. 6)" the words and figure "An AGREEMENT RELATING TO DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)" shall be substituted;

(*b*) from clause (*b*), the words "at the time of execution" shall be omitted; and

(*c*) the exemption "(3) Instrument of Pledge or Pawn of goods, if unattested" shall be omitted.

(5) In Article No. 39—

(*a*) in clause (*b*) for the words "one year," the words "eighteen months" shall be substituted.

(*b*) for the entry "four annas" each time it occurs in the second column opposite clause (*b*), the entry "Two annas" shall be substituted.

(6) After Article No. 44, the following entry shall be inserted, namely:—

"PAWN OR PLEDGE—*See* AGREEMENT relating to DEPOSIT OF TITLE-DEEDS, PAWN OR PLEDGE (No. 6)."

(7) For Divisions A and B of Article No. 45, the following shall be substituted, namely :—

	If drawn singly.	If drawn in duplicate for each part.
"A. SEA-INSURANCE (*See* Section 7).		
(1) for or upon any voyage—		
(i) where the premium or consideration does not exceed the rate of two annas or one-eighth per centum of the amount insured by the policy ;	One anna ...	Half anna.
(ii) in any other case, in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy.	Two annas ...	One anna.
(2) for time—		
(iii) in respect of every full sum of one thousand rupees and also any fractional part of one thousand rupees insured by the policy—		
where the insurance shall be made for any time not exceeding six months ;	Two annas ...	One anna.
where the insurance shall be made for any time exceeding six months and not exceeding twelve months.	Four annas ...	Two annas.
B. FIRE INSURANCE—		
(1) in respect of an original policy—		
(i) where the sum insured does not exceed Rs. 5,000 ;	.....	Eight annas.
and (ii) in any other case ;	.....	One rupee.
(2) in respect of each receipt for any payment of a premium on any renewal of an original policy.	.....	One-half of the duty payable in respect of the original policy in addition to the amount, if any, chargeable under No. 51."

(8) To Article No. 51 the following note shall be added, namely :—

"See also Policy of Insurance No. 45-B(2)."

(9) In Article No. 53, after the word "instrument," the following parenthesis shall be inserted, namely :—

"(not being such a release as is provided for by section 23A)."

V. P. MADHAVA RAO,
Dewan.

NOTIFICATION.

No. 25—*L. C., dated* 22*nd July* 1908.

Under Rule 40 of the rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed for the consideration of the Bill further to amend the Code of Civil Procedure is published for general information with the Bill as passed by them.

By Order,
C. S. BALASUNDARAM IYER,
Secy., Legislative Council.

Report of the Select Committee appointed for the consideration of the Civil Procedure Code Amendment Bill.

We the members of the Select Committee appointed for the consideration of the Bill further to amend the Code of Civil Procedure beg to submit the following report to the Council :—

On a careful consideration of the Bill and the several representations recieved thereon we have resolved that the Bill be approved with the modifications made in it